?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 04.10.2018

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THE HON-BLE MR.JUSTICE G.R.SWAMINATHAN

+C.R.P.(PD)(MD) No.1513 of 2018
and C.M.P.(MD) No.6561 of 2018

#Periyasamy ...Petitioner/Petitioner/Plaintiff
~Vs~

$Sivakumar ..Respondent/Respondent/Defendant

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India against the fair and decreetal order dated 22.02.2018 made in I.A.No.1292 of 2017 in O.S.No.202 of 2013 on the file of the Additional District Munsif court, Karur.

!For Petitioner : Mr.V.Sitharanjandas
^For Respondent : Mr.M.P.Senthil

:ORDER

The plaintiff in O.S.No.202 of 2013 on the file of the Additional District Munsif, Karur is the revision petitioner. It is a suit for permanent injunction. In the said suit, I.A.No.1292 of 2017 was taken out for appointing an Advocate Commissioner. The court below by the order impugned in this Civil Revision Petition dismissed the said Interlocutory Application. The same is questioned in this Civil Revision Petition.
2.Heard the learned counsel appearing on either side.

3. It is only a suit for bare injunction and identity of the properties is not really in dispute. The ownership alone is in dispute. This Court is of the view that the court below is justified in declining to appoint an Advocate Commissioner sought for by the revision petitioner. There is no error in the order impugned in this Civil Revision Petition.

4. In the result, this Civil Revision Petition is dismissed. No costs. Consesquently, connected C.M.P.(MD) No.6561 of 2018 is closed.

To,
The Additional District Munsif court, Karur.